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**CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes
Thursday November 1, 2018
9:00 AM

Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski,
Michele Levine

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment.

These minutes are considered a draft until the Zoning Board of Adjustment approves them.

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

STAFF ATTENDEES: Sandor Hopkins, Michael Stone, Carey Haight and Natalia Wilson

PUBLIC ATTENDEES: Jim Savoy, Connie Bloom, Nathan Bloom, Terry Sullivan and Jenn Rowell

1. CALL TO ORDER: Chairman Bill Austin called the meeting to order at 9:00 a.m.

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski and Michele Levine

BOARD MEMBERS ABSENT: none

3. APPROVAL OF MINUTES: July 11, 2018, August 16, 2018 and October 4, 2018

Michele Levine motion to approve

Leonard Reed seconded the motion

All in favor motion carries 5-0



4. NEW BUSINESS:

A. Public Hearing: Special Use Permit #13-2018 to allow the expansion of a preexisting non-conforming second dwelling

Nathan Bloom & Connie Bloom are requesting approval of a Special Use Permit to allow the expansion of a preexisting non-conforming second dwelling

Staff Report by Sandor Hopkins

Motions:

- A. Alternative 1:** Move the Special Use Permit to allow the expansion of a pre-existing non-conforming Second Dwelling on Parcel 0004595300, Geocode 02-3011-12-4-01-05-0000 be **denied** due to (ZBOA member proposing denial must delineate the legal reason that the application be denied); or
- or
- B. Alternative 2:** Move the Board adopt the staff report and **approve** the Special Use Permit to allow the expansion of a pre-existing non-conforming second dwelling on Parcel 00045953000, Geocode 02-3011-12-4-01-05-0000 subject to the following conditions:
1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant constructs breezeway connecting two mobile homes within one year of issuance of this permit.
 3. Applicant obtain water and wastewater approval from the Cascade City-County Health Department.

Board Questions:

Charles Kuether asked about item 2, idea behind the breezeway.

Sandor Hopkins said we want to assure that this remains one contiguous second dwelling, and not two independent dwellings.

Bill Austin 14:12 asked is the applicant here? Would you like to address the board?

Connie Bloom 14:55 Terry Sullivan and Nathan Bloom approached the podium together, 57 Bird Creek Rd. Terry Sullivan, stated this is my mom, She has cancer and we want her close by, so we can take care of her, and this is my son Nathan, he and I live on the property now. This is for her, we want her to have her own space, so she can rest.

Charles Kuether 15:49 said so your plan is to connect them with a breezeway

Terry Sullivan 15:56 said yes, to have room in-between.

Leonard Reed 16:12 asked if Bird Creek Road is that before or west of Fort Shaw.

Nathan Bloom said south of Fort Shaw.

Leonard Reed 16:34 said where do you turn off, before town or after?

Nathan Bloom 16:32 said before town, behind the post office.

Michel Levine 16:48 asked where the house is on map.

Nathan Bloom showed her.

Charles Kuether asked if they still can get it in this fall.

Nathan Bloom said yes, we are just waiting on you guys.

Public Hearing opened at 9:18 a.m.

Proponents: Jim Savoy 18:05 from Treasure State Honey I grew up in Fort Shaw, I think is great that they want to put up a place for her to be with family it's very important. I am in favor.

Opponents: none

Public Hearing closed at 9:19 a.m.

Discussion and Decision

Charles Kuether Motion: move the Board to adopt the staff report and **approve** the Special Use Permit to allow the expansion of a pre-existing non-conforming second dwelling on Parcel 00045953000, Geocode 02-3011-12-4-01-05-0000 subject to the following conditions:

- 1.The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
- 2.Applicant constructs breezeway connecting two mobile homes within one year of issuance of this permit.
- 3.Applicant obtain water and wastewater approval from the Cascade City-County Health Department.

Carey Haight 19:00 asked Sandor about the 1/3 square footage limitation.

Sandor Hopkins 19:14 said we would not be, that's why we are going with the Special Use Permit process. We are trying to bring this into conformance with regulations.

Carey Haight 19:27 asked any need to put conditions?

Sandor Hopkins stated we did not deem them necessary.

Leonard Reed seconded the motion

All in favor, Motion carries 5-0

B. Public Hearing: Special Use Permit #014-2018-Treasure State Honey Co to allow a Value-added Agricultural Commodity Processing Facility

Jim Savoy, owner of Treasure State Honey Co., is seeking approval of a Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility

Staff Report: Michael Stone

Motions:

The Following motions are provided for the board's consideration:

- A. Alternative 1:** Move the Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility on Parcel 006155600, Geocode 02-3135-26-3-02-01-0000 be **denied** (ZBOA member proposing denial must delineate the legal reason the application be denied); or
- B. Alternative 2:** Move the Board adopt the staff report and **approve** the Special Use Permit for a Value-added Agricultural Commodity Processing Facility on Parcel 0006155600, Geocode 02-3135-26-3-02-01-0000 subject to the following conditions:
1. The applicant obtains a septic permit from the City-County Health Department and any other required county, state, or federal permits.
 2. The applicant complies with boundary requirements and regulations associated with DEQ Permit #2776 and any other required permits.
 3. The applicant obtains an address for the facility accessed from the Dracut Hill Road approach.
 4. Operational hours and days be limited to 7:00 AM to 7:00 PM, Monday through Saturday.

Board Questions/Comments

Bill Austin 40:26 asked about the noncompliance, they were just outside the boundaries, is that what it was?

Michael Stone 40:38 stated that, it appears in the marking from DEQ, it appears there was some deviation from the original plan around the property (but that is for DEQ and not up to us).

Charles Kuether stated he would like to hear answers to questions? (There were some questions that came in after the report Michael Stone handed them to board members).

Michael Stone 41:27 read the responses to the questions.

1. What kind of noise should we expect? No noise besides transportation, up to 8 trips for employees per day.
2. What will the days and hours of operation be? 7 a.m. to 7 p.m. Monday through Saturday.

3. What type of equipment will be used and running through the area? Pickup trucks, with semitrucks 2 to 3 times a year.

4. Will there be any sort of hazard created by the possible increased presence of bees on the property? We have young children and pets. Answer No, Jim does not anticipate getting more bees. (Bees are not aggressive).

5. Would the company be willing to build a privacy fence if it is determined to be some encroachment? Is the same response, no DEQ permitting. It's not being mined yet so that buffer zone has not been created yet.

Jim Savoy 42:30 220 South Kent St. from Treasure State Honey said to answer your question about the disturbed area outside the boundary, there was a permit #106543 transferred to me from DEQ to disturb that area, also a valid permit. Now to answer the question about the disturbed area the original site for the processing plant was in the northwest corner. It was cost prohibitive, so I wasn't able to do it. I got to take it in phases basically, and we had existing water and sewer and electricity, so I broke up the plan. We are doing it in phases, but like I said the permit was from Shumaker Trucking originally when they did the dirt work and then the DEQ was transferred to me in Nov. 2016.

Bill Austin 44:08 asked are you processing your own honey or other peoples?

Jim Savoy said start with our own but open to processing other people's honey. He also said they've started infusing honey and creating other value-added products, they started with chokecherry infused honey and will be adding huckleberry. They will also make candles with the wax. It is a food processing area, so it's got to be done properly and this building will allow for that.

Bill Austin 45:20 stated bees hang together, are people concerned about bee stings?

Jim Savoy 45:50 stated bees are not aggressive, there are other bee hives about a mile (Smooth Honey) so, "whose bees are whose?", I have had a few concerns, but I've been able to address those with neighbors. This processing permit has nothing to do with bees.

Michele Levine 47:34 asked Jim to show on the map the location of the new facility.

Jim Savoy showed them on the map.

Michele Levine asked where are the bees now?

Jim Savoy responded not here, they are in Oregon or California right now.

Public Hearing opened 9:49 a.m.

Bill Austin asked for proponents: none

Bill Austin called for opponents: none

Public Hearing closed at 9:49 a.m.

Board Discussion and decision

Leonard Reed 49:46 **Motion** to move the Board adopt the staff report and approve the Special Use Permit to a Value-added Agricultural Commodity Processing Facility on Parcel 0006155600, Geocode 02-3135-26-3-02-01-0000 subject to the following conditions:

1.The applicant obtains a septic permit from the City-County Health Department and any other required county, state, or federal permits.

2.The applicant complies with boundary requirements and regulations associated with DEQ Permit #2776 and any other required permits.

3.The applicant obtains an address for the facility accessed from the Dracut Hill Road approach.

4.Operational hours and days be limited to 7:00 AM to 7:00 PM, Monday through Saturday.

Charles Kuether seconded the motion

All in favor motion carries 5-0

After the approval there was a lengthy discussion about the non-compliance status of the other permit issued in 2015 related to the gravel mine on the property. The suggestion from Carey Haight was to send a letter to the permit to holders with the non-compliance concerns. This discussion can be found between time stamps 50:45:0 and 1:01:37

5.OLD BUSINESS: none

6. BOARD MATTERS:

Bill Austin asked is anything coming down?

Sandor Hopkins said we have no pending applications right now.

Charles Kuether asked about the meat processing plant.


Sandor Hopkins said not right now.

8. ADJOURNMENT:

Michele Levine made a Motion to adjourn

Leonard Reed seconded the Motion

All in favor, meeting adjourned at 10:06 a.m.



Chairman Bill Austin or VC Charles Kuether

1-24-19

Date



Sandor Hopkins

1-24-19

Date